

The Gazette of India

EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 44] NEW DELHI, TUESDAY, NOVEMBER 28, 1961/A GRAHAYAN 7, 1883

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 28th November, 1961:—

BILL No. XXI OF 1961

A bill further to amend the Air Corporations Act, 1953.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. This Act may be called the Air Corporations' (Amendment) Act, 1961. Short title.

2. In clause (d) of the proviso to sub-section (1) of section 18 of the Air Corporations Act, 1953 (hereinafter referred to as the principal Act), the word "or" shall be inserted at the end and after the clause as so amended, the following clause shall be inserted, namely:— Amendment of section 18.

27 of 1953.

"(e) to operate, with the previous permission of the Central Government for such period and subject to such terms and conditions as that Government may determine, any scheduled air transport service as aforesaid which is not provided by either of the Corporations or their associates."

3. Section 30 of the principal Act shall be re-numbered as sub-section (1) thereof and,— Amendment of section 30.

(a) in the sub-section as so re-numbered; for the words "As soon as may be after the commencement of this Act, the Central Government may cause to be constituted", the words "The Central Government may, from time to time, by notification in the Official Gazette, constitute" shall be substituted;

(b) after the sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) If at any time the Central Government is of opinion that the continued existence of an Air Transport Council is not necessary, it may, by notification in the Official Gazette, declare that the Air Transport Council shall be dissolved with effect from such date as may be specified in the notification, and thereupon the Air Transport Council shall be deemed to be dissolved, accordingly.”.

Amendment
of section
36.

4. In sub-section (1) of section 36 of the principal Act, for the words “three months”, the words “two months” shall be substituted.

Amendment
of section
44.

5. For sub-section (3) of section 44 of the principal Act, the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Amendment
of section 45.

6. In sub-section (2) of section 45 of the principal Act, for clause (e), the following clause shall be substituted, namely:—

“(e) the grant of refund in respect of any unused tickets and the issue of passes free of cost or at concessional rates;”.

Change
of
name of “Air
India
International”.

7. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, specify, the Corporation established under section 3 of the principal Act known as “Air India International” shall be renamed as “Air India”.

(2) The change of name of “Air India International” by sub-section (1) shall not affect any rights and obligations of that Corporation or render defective any legal proceedings by or against it, and any legal proceedings which might have been continued or commenced by or against that Corporation by its former

name may be continued or commenced by or against it, by its new name.

8. As from the commencement of this Act, the Air Transport Council constituted under section 30 of the principal Act and in existence at such commencement shall stand dissolved.

Dissolution
of Air
Transport
Council.

STATEMENT OF OBJECTS AND REASONS

Section 30 of the Air Corporations Act, 1953 provides for the constitution of an Air Transport Council. The Air Transport Council constituted under this section has at present no work pending before it. The Council, however, cannot be dissolved otherwise than by an amendment of the Act. The Bill, therefore, provides for the dissolution of the Council. At the same time, section 30 is being amended so as to empower the Central Government to constitute an Air Transport Council as and when it becomes necessary.

Section 18 of the Act confers upon the two Corporations monopoly for operating scheduled transport services. On certain routes, however, neither of the two Corporations is in a position to provide a scheduled air transport service. It has, therefore, become necessary in the public interest to grant permission to private operators to operate a scheduled service on these routes for a limited period. Section 18 is being amended to confer such power upon the Central Government.

"Air India International" is better known abroad as "Air India". It is, therefore, proposed to change the name of the Corporation from "Air India International" to "Air India". The Bill makes the necessary provision in this behalf.

Opportunity has been taken to make some other minor and clarificatory amendments in the Act.

NEW DELHI;

The 21st November, 1961.

P. SUBBARAYAN.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to amend section 30 of the principal Act so as to take power for the Central Government to constitute an Air Transport Council from time to time and to dissolve an Air Transport Council if at any time the Central Government is of opinion that its continued existence is not necessary. The effect of this amendment will be to reduce the expenditure now being incurred on a permanent council, which will be dissolved under clause 8 of the Bill. Under the amended section 30, every time an Air Transport Council is constituted, the expenditure thereon will be approximately Rs. 80,000 per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill seeks to amend clause (e) of sub-section (2) of section 45 of the Act. The amendment is of a clarificatory nature and is designed to expressly empower the Air Corporations to frame regulations regarding the issue of free passes to travel agents, etc., to whom the Corporations are at present issuing such passes. The delegation of legislative power is of a normal character.

S. N. MUKERJEE,
Secretary.